

## Chapter 9-8

### CONDITIONAL USES

#### 9-8-1: GENERAL STANDARDS OF REVIEW

#### 9-8-2: SPECIFIC STANDARDS OF REVIEW

- A. Child Care Center/Facility for Business.
- B. Home Day Care/Preschool Facilities
- C. Intermittent Commercial Uses.
- D. Home Occupation.
- E. Small Neighborhood Commercial Occupations.
- F. Adult Oriented Businesses.
- G. Confinement and Keeping of livestock.
- H. Private and Quasi- Public Utility Buildings and Structures.
- I. Moving Buildings.
- J. Minor Telecommunications Facility and Amateur Radio Antennas.
- K. Temporary RV Living.

#### 9-8-3: PERMIT REVOCATION

#### 9-8-4: TIME LIMIT

#### 9-8-5: NOTICE PROVISIONS

#### | 9-8-1 CONDITIONAL USE STANDARDS OF REVIEW.

The City shall not issue a conditional use permit unless the Planning Commission concludes that the application fully mitigates all identified adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

1. GENERAL REVIEW CRITERIA: An applicant for a conditional use in the zone must demonstrate:

- A. The application complies with all applicable provisions of this chapter, state and federal law;
- B. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
- C. The use is not detrimental to the public health, safety and welfare;
- D. The use is consistent with the Huntington City General Plan as amended;
- E. Traffic conditions are not adversely affected by the proposed use including the existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
- F. There is sufficient utility capacity;
- G. There is sufficient emergency vehicle access;
- H. The location and design of off-street parking as well as compliance with off-street parking standards;
- I. A plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
- J. That exterior lighting that complies with the lighting standards of the zone;
- K. That within and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been fully mitigated and is appropriate to the topography of the site.

### **| 9-8-2 SPECIFIC REVIEW CRITERIA FOR CERTAIN CONDITIONAL USES.**

In addition to the foregoing, the planning commission must evaluate the applicant's compliance with each of the following criteria when considering whether to approve, deny or conditionally approve an application for each of the following conditional uses:

- A. Day Care Facility/Center – Family Day Care for Business. Each application for a day care center or facility and family day care must include and comply with:
  - 1. Proof of application for state child care license;
  - 2. Compliance with state, federal and local law;
  - 3. A design that does not include a front yard playground unless it is properly mitigated;
  - 4. A parking and traffic plan that adequately mitigates the adverse impacts of increased traffic in the neighborhood (if a facility or family day care center);

5. Family Day Care – Type 1 providers may provide services for five (5) to eight (8) clients including the provider's own children at any given time;

6. Family Day Care – Type 2 providers may provide services for nine (9) to sixteen (16) clients including the providers own children at any given time, with sufficient staffing;

7. Day Care or Family Day Care – Type 1 and Type 2 must have 1 adult per every two infants under the age of two. State regulations require two caregivers if there are more than six children in a home day care and may further limit the number of children allowed in a home day care.

B. Preschool Facilities: Each application for a preschool facility must include and comply with the following standards:

1. There shall be one (1) instructor for every sixteen (16) children ~~within the mixed age range of 3, 4 & 5 years old, a maximum of twenty (20) children 3-5 years of age, a~~ maximum of thirty-two (32) children

2. The play yard shall not be located in the front yard and shall only be used between ~~8:00am~~ 6:00 am and 9:00pm; and

3. The lot shall contain one available on-site parking space not required for use of the dwelling and one additional parking space for each employee that does not reside in the home. The spaces shall be located in such a way as to insure the parking is functional and does not change the residential character of the lot; and

4. No signs shall be allowed on the dwelling or lot except a nameplate sign; and

5. The preschool operator shall comply with all applicable licensing regulations adopted in the City of Huntington Business Licensing Code and shall comply with all local, state and federal laws and regulations; and

6. Upon complaint that any of the requirements of this section or any other city ordinance are being violated by a preschool caregiver, the city shall review the complaint and if substantiated a hearing may be set before the Planning Commission to revoke the use permit;

C. Intermittent Commercial Uses: The occasional use of dwellings, community buildings, private clubs, lodges, social or recreational establishments and/or their accessory buildings for commercial purposes may be allowed upon receiving a conditional use permit and provided the provisions of this section are complied with. The following standards shall apply to all intermittent commercial uses in addition to any conditions the Planning Commission deems necessary and desirable to protect the public health, safety and general welfare.

1. The display and sales of merchandise should be contained primarily within a building.
2. The building proposed for the intermittent commercial use must comply with setback and clear vision area requirements of this ordinance and with applicable building and fire codes.
3. A business license from the City is required to conduct an intermittent commercial use, not to exceed thirty (30) consecutive days.
4. Adequate parking is provided to serve the commercial use that does not create a parking shortage for other existing uses on site.
5. The use does not cause noise, light, or glare which adversely impacts surrounding uses.

D. Home Occupation: Each application for a business license for a home occupation shall include the applicant's agreement that the proposed home occupation use:

1. Is a conditional uses in all zoning districts;
2. Shall be conducted entirely within a dwelling and shall be carried on in the dwelling only by members of the residing family and a maximum of five (5) Full Time Equivalent employees;
3. ~~Does not involve the use of any accessory building or yard space for storage or activities outside of the dwelling;~~
4. ~~No commercial vehicles are used except one delivery truck, which does not exceed one (1) ton rated capacity;~~
5. 3. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling;
6. 4. Signs are limited to one non-flashing accessory sign not larger in area than two (2) square feet. If lighted, the light shall be diffused or shielded;
7. 5. Not more than the equivalent of twenty-five percent (25%) of the ground floor area of the dwelling is devoted to the home occupation;
8. 6. The owner of the home occupation shall purchase a business license to operate within the City limits;
9. 7. Shall not cause a demand for municipal services in excess of that associated with normal residential use;

~~10.~~ 8. Shall be enclosed within a structure in complete conformity with international building codes as adopted by the City;

~~11.~~ 9. Entrance to the home occupation from outside shall be the same entrance normally used by the residing family except when required otherwise by the regulation of the State Health Department or other public agency; and

~~12.~~ 10. The physical appearance, traffic, and other activities in connection with the home occupation shall not be contrary to the intent of the zone in which the home occupation is located and will not depreciate surrounding values or decrease the quality of life within the area.

E. Small Neighborhood Commercial Occupations: An application for such use may be approved in specific zones upon a finding that the proposed use complies with all the following standards:

~~1. All activities will be conducted entirely within an accessory building. Said building shall occupy not more than two thousand (2,000) square feet or thirty (30) percent of the rear yard area of the lot, whichever is less; and~~

~~2.~~ 1. All on-site materials used in the conduct of the small neighborhood commercial occupation shall be stored within said accessory building;

~~3.~~ 2. The on-site activities of said small neighborhood commercial occupation shall be conducted only by members of the residing family and a maximum of ~~two employees;~~ Five (5) employees;

~~4.~~ 3. The small neighborhood commercial occupation shall contain no facilities for the display of goods or services. Any sale of goods and services shall constitute a clearly incidental part of the operation of the small neighborhood commercial occupation;

~~5. No commercial vehicles shall be used except one delivery truck, which does not exceed one (1) ton rated capacity;~~

~~6.~~ 4. The small neighborhood commercial occupation and the activities conducted as a part thereof shall be clearly incidental and secondary to the use of the property for dwelling purposes and will not have the effect of altering the character of the area from that of a residential neighborhood;

~~7.~~ 5. The activities of the small neighborhood commercial occupation shall not involve the use of combustible or toxic material which would pose an increased hazard to the area, nor shall the activities produce noise or smoke, glare, odor, dust, flashing light or similar conditions which would decrease the residential quality of the neighborhood;

~~8.~~ 6. Signs shall be limited to one attached, non-illuminated identification sign, not larger than two (2) square feet in surface area, which does not specify the goods or services provided by the occupation, shall be permitted;

~~9.~~ 7. The owner of the small neighborhood commercial occupation shall purchase a business license to operate within the City limits.

~~10.~~ 8. The physical appearance, traffic, and other activities in connection with the small neighborhood commercial occupation shall not be contrary to the intent of the zone in which the small neighborhood commercial occupation is located and will not depreciate surrounding values or decrease the quality of life within the area; and

~~11.~~ 9. A site plan drawn to scale showing the location of the structure, its relationship to dwellings on the same and adjacent properties, and provisions for safe vehicular access and adequate off-street parking shall be submitted with the application.

F. Adult Oriented Businesses: The purpose and objective of this section is to establish reasonable and uniform regulations to prevent the concentration of adult-oriented businesses or their location in areas deleterious to the health, safety and welfare of the City, and to prevent inappropriate exposure of such businesses to the community. This section regulates the time, place, and manner of the operation of sexually-oriented businesses as written in Utah Code Annotated and listed below, consistent with the United States and Utah State Constitutions.

1. No adult-oriented business may be located within one thousand (1,000') feet of any:

- (i) School, day care facility, cemetery, public park, library, or religious institution;
- (ii) Residential zoning boundary;
- (iii) Liquor store; or
- (iv) Other adult-oriented business.

2. For the purposes of this section, distance is measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the adult-oriented business is located and:

- (i) The closest exterior wall of another adult-oriented business;
- (ii) The closest property line of any school, day care facility, public park, library, cemetery or religious institution; and
- (iii) The nearest property line of any residential zone.

G. Confinement and Keeping of livestock: The purpose of this section is to establish regulations and requirements for the confinement and keeping of livestock on lots within the city in a manner that will protect the health of both domestic animals and the general public, and minimize the potential for nuisance. ~~The requirements of this section shall apply only to the confinement and keeping of domestic livestock established on or after the date this ordinance was adopted.~~ Confinement which meets the requirements of this title shall be considered approved by the Planning Commission.

**1. Conditions and Restrictions:**

a. ~~The maximum number of domestic livestock or fowl permitted on any lot or parcel within the City's industrial zone shall be as follows:~~

~~(i) No domestic livestock shall be permitted on any lot or parcel that is less than 10,000 square feet in size;~~

~~(ii) One domestic livestock unit, as defined herein, shall be permitted on any lot parcel, with no dwelling, that is over 10,000 square feet.~~

~~(iii) One additional domestic livestock unit, as defined herein, shall be permitted for each 5,000 square feet above 10,000 square feet; provided that all other requirements of and limitations of this chapter are met.~~

b. ~~The maximum number of domestic livestock permitted on any lot or parcel within the City's residential zone shall be as follows:~~

~~(i) Not more than two (2) animal units may be kept for each 20,000 square feet of lot area providing that no animal shall be kept on lot containing less than 20,000 square feet, and provided that the maximum number of animals which may be kept on any one lot or parcel of land shall not be more than six (6) animal units.~~

c. ~~A domestic livestock unit is defined as one (1) horse, mule, donkey or other equine; one (1) cow, bull, ox, or other bovine, except bison; three (3) sheep or goats; two (2) llamas; five (5) turkeys, geese, ostriches, emus, or similar animals; or ten (10) chickens, ducks, or other small fowl or rabbits. For the purpose of determining compliance, said definitions shall not include the un-weaned offspring less than six (6) month old, of any residing animal.~~

d. ~~Animals or livestock may not be kept, or be allowed to pass within twenty (20) feet of any dwelling on a neighboring lot, which existed at the time of confinement and keeping such livestock or animals was legally established. This~~

~~restriction shall not apply to the transport of animals or livestock into or out of pasture area which otherwise complies with the requirements of this section.~~

~~e. Barns, coops, corrals, hutches, mangers, pens, runs, stables, or other structures used for the confinement or keeping of animals or livestock (other than pigs) permitted by this section may not be placed, constructed or situated so that any part thereof lies within thirty (30) feet of any dwelling on the same lot, or within fifty (50) feet of any dwelling on a neighboring lot, which existed at the time confinement and keeping such livestock or animals was legally established. Such restriction shall not include pasture area which otherwise complies with the requirements of this section.~~

~~f. Chickens, ducks, geese and other fowl shall be kept in coops, and rabbits shall be kept in hutches. Chickens and ducks shall be allowed to roam free on their own lot. Owners accept liability and responsibility.~~

~~g. Suitable enclosures, substantially constructed of a sufficient strength to keep all animals penned at all times, shall be provided and maintained for the safekeeping of all fowl or animals kept within the City. All animal areas will be kept clean of waste as to not gather insects and to not offend neighbors. All structures and enclosures for the confinement and keeping of animals permitted by this section shall meet the following minimum area requirements:~~

~~(i). Pen size for non-pastured animals: Rabbits, chickens, ducks, geese and other small fowl will require four (4) square feet per animal.~~

~~h. Pigs, hogs, swine or other porcine shall be permitted only as conditional uses using the review criteria as outlined in section 8-1 above and shall be kept at all times in a shelter. Sties or mud wallows shall not be permitted. Manure shall be cleaned twice a month and odors and smell shall be controlled in order to minimize its effects on the surrounding neighborhood by the owner. The keeping of pigs for breeding purposes shall not be allowed within the limits of 600 West 500 East, 500 North and 500 South.~~

~~A maximum of four (4) pigs shall be allowed per legal lot and the pen size will require, at a minimum, seventy-five (75') square feet per pig.~~

~~2. Pig shelters may not be placed, constructed or situated so that any part thereof lies within thirty (30) feet of any dwelling on the same lot, or within seventy-five (75) feet of any dwelling on a neighboring lot, which existed at the time confinement and keeping such livestock or animals was legally established.~~

~~3. Pot bellied pigs kept indoors shall not be considered livestock but shall be considered pets and all shall abide by all pet rules and regulations set forth in Huntington City's ordinances.~~

Repeal Subsection 1-3. Livestock Unit...and insert:

1. Livestock Unit

a. A domestic livestock unit is defined as the continuous confinement of one (1) horse, mule, donkey or other equine; one (1) cow, bull, ox, or other bovine, except bison; three (3) sheep or goats; two (2) llamas; five (5) turkeys, geese, ostriches, emus, or similar animals; or ten (10) chickens, ducks, or other small fowl or rabbits. For the purpose of determining compliance, said definitions shall not include the offspring less than eight (8) months old/ of any residing animal.

2. Maximum Units per Lot

a. The maximum number of domestic livestock or fowl permitted on any lot or parcel within the City shall be as follows:

i. No domestic livestock shall be permitted on any lot or parcel that is less than 10,000 square feet in size;

ii. One domestic livestock unit, as defined herein, shall be permitted on any lot parcel that is over 10,000 square feet.

iii. One additional domestic livestock unit, as defined herein, shall be permitted for each 5,000 square feet above 10,000 square feet; provided that all other requirements of and limitations of this chapter are met.

b. Animals or livestock must be fenced in with adequate shelter and space as determined by the standard practice for the animal in confinement. Non-pastured animals must meet the following minimum standards;

i. Chicken, ducks, geese, and other fowl shall be kept in coops, and rabbits shall be kept in hutches with minimum of four (4) square feet per animal. Chickens and ducks shall be allowed to roam free on their own lot. Owners accept liability and responsibility.

c. Barns, corrals, mangers, pens, runs, stables, or other structures used for the confinement or keeping of sheep, goats, cattle, horses or other medium to large livestock (other than pigs) permitted by this section may not be placed, constructed or situated so that any part thereof lies within thirty (30) feet of any dwelling on the same lot, or within fifty (50) feet of any dwelling on a neighboring lot, which existed at the time confinement and keeping such livestock or animals was legally established. Such restriction shall not include pasture area which otherwise complies with the requirements of this section.

- d. Coops, hutches or other small livestock runs or pens may be placed within thirty (30) feet from any dwelling on the same or adjacent lot which existed at the time of confinement.
  - e. Suitable enclosures, substantially constructed of sufficient strength to keep all animals penned at all times, shall be provided and maintained for the safekeeping of all fowl or animals kept within the City. All animal areas will be kept clean of waste as to not gather insects and to not offend neighbors. All structures and enclosures for the confinement and keeping of animals permitted by this section shall meet the minimum requirements for best practices of the livestock held in confinement.
3. Confinement of Pigs
- a. Pigs, hogs, swine or other porcine shall be permitted only as conditional uses using the review criteria as outlined in section 8-1 above.
  - b. A maximum of four (4) pigs shall be allowed per legal lot and the pen size will require, at a minimum, seventy-five (75') square feet per pig.
  - c. All pigs shall be kept at all times in a shelter.
  - d. Sties or mud wallows shall not be permitted.
  - e. Manure shall be cleaned twice a month and odors and smell shall be controlled in order to minimize its effects on the surrounding neighborhood by the owner.
  - f. The keeping of pigs for breeding purposed shall not be allowed within city limits
  - g. Pig shelters may not placed, constructed or situated so that any part thereof lies within thirty (30) feet of any dwelling on the same lot, or within seventy-five (75) feet of any dwelling on a neighboring lot, which existed at the time confinement and keeping such livestock or animals was legally established.

H. Private and Quasi- Public Utility Buildings and Structures: Private and Quasi-Public utility buildings or structures incidental to the provision of water, sewer, electric power, or other utilities may be constructed in all residential zones as conditional uses.

I. Moving Buildings: Since moved buildings have often been constructed in a time period prior to the adoption of a building code, and are frequently left in an unsafe and unattractive condition, extra precautions shall be taken to ensure that the buildings meet current building standards and that the appearance of the premises is in keeping with buildings in the surrounding area.

No conventional dwelling, modular or manufactured home or other structure intended for human occupancy, which has had prior use, shall be moved from one site within the City to another site within the City or from a site outside of the City to a site within the City without a pre-inspection being made by the Building Official and a permit issued therefore.

The moving of any residential, commercial, or industrial building within the City, which has had prior use, shall be subject to approval of a Moved Building Permit application by both the Building Inspector and the Zoning Official. In addition to conventionally constructed buildings, the requirements of this provision shall apply to the moving of demountable homes, manufactured homes, and similar movable structures, except when being moved from outside the City into a manufactured home park within the City.

Before granting approval of the application, the Zoning Official shall apply the following standards of review and findings:

That the building will have no appreciable detrimental effect on the living environment and property values in the area into which the structure is to be moved. That the building is in conformity with the quality of buildings existing in the area into which it is proposed to be moved. That said building and the lot on which the building is to be located will conform to the requirements of the Zoning Ordinance, the Building Code, and other applicable codes, ordinances, and regulations. That its location on the lot does not in any substantial way adversely affect buildings or uses in abutting properties. That all required dedications and improvements for streets and facilities and buildings shall be provided in conformity with the standards of the City. That adequate provision has been made through the posting of a performance bond or other assurance acceptable to the City that the building and grounds shall be brought up to the standard of a new building before it is occupied and that the vacated site shall be restored to a safe and visually appealing condition. That all applicable permit fees have been paid.

That the building and grounds shall be brought up to the standards required of a new building before it is occupied. That before a permit to move a building may be granted, the applicant shall post cash deposit of 100% of the project, to be placed in an escrow account, to cover costs of bringing the buildings and grounds up to standard. In the event of failure to comply with conditions, the City, after due notice and public hearing thereon, may declare the cash deposit forfeited. That the cash deposit shall also be applied to cover the costs of cleaning up the vacated site in the City, and restoring it to a safe and sightly condition, in compliance with this Code and the current nuisance ordinance.

J. Minor Telecommunications Facility and Amateur Radio Antennas: This section applies to both commercial and private low-power radio services and facilities, such as "cellular" or "PCS" (personal communications system) communications and paging systems. Each application for a Telecommunications Facility shall comply with the following:

1. Wall-Mounted Antenna. Wall-mounted antennas may not extend above the wall line of the building or extend more than four feet (4') horizontally from the face of the building.

2. Stealth wall-mounted antennas are encouraged and may be allowed to vary from the provisions of this section upon demonstrated mitigation of impact.

3. Roof-Mounted Antenna. Roof-mounted antennas are allowed only on a flat roof and shall be screened and designed to match the structure to which they are attached. The Planning Commission may grant approval to place roof-mounted stealth antennae on a pitched roof if the Antenna does not extend above the peak of the roof.

4. Antennas shall be mounted at least five feet (5') behind any parapet wall. The maximum height of an antenna mounted between five (5) and ten feet (10') behind a parapet wall shall be directly proportional to the setback distance, and may not exceed a height of ten feet (10') above the top of the parapet wall. An antenna may not extend more than fifteen feet (15') above the roofline of the building unless the adverse impacts of the additional height are fully mitigated.

5. Power Lines. All power lines on the lot leading to the accessory building and antenna structure of the Telecommunications Facility shall be installed underground.

6. Area limitations. Combinations of both Roof and Wall-mounted antennas are allowed on a Building. The total area for all wall and roof-mounted antennas and supporting structures combined shall not exceed forty (40) square feet for each exterior wall of the building or a total of one hundred sixty (160) square feet per building. Cellular antennas may occupy a maximum of four (4) walls.

7. Review Criteria. Each Applicant for a Telecommunications Facility must address the following:

(a) Compatibility of the proposed structure with the height and mass of existing adjacent buildings and utility structures;

(b) Whether co-location of the antenna on other existing structures in the same vicinity such as other towers, buildings, utility poles and similar structures is possible without significantly affecting antenna transmission or reception;

(c) The location of the antenna in relation to existing vegetation, topography and buildings to optimize visual screening;

(d) Whether the spacing between monopoles creates detrimental impact upon adjacent properties;

(e) The location of the pole in relation to noteworthy structures, landmarks and pedestrian or automotive transportation view corridors;

(f) Location and zoning compliance of accessory buildings associated with the Telecommunications Facility.

8. Monopole. A conditional use permit for a commercial monopole may be granted in a residential zone district only if the planning commission finds that:

The monopole antenna does not exceed thirty five (35') feet in height;

Monopole with antennae and antennae support structure does not exceed two feet in width;

The antenna tower will be placed on a parcel, which is not occupied by a residential use, such as a school, church, or other nonresidential use, which is otherwise legally located in that residential zone;

The antenna tower will be located no closer than two hundred feet (200') from the nearest residential structure, and

The monopole will be disguised as, or otherwise integrated with, a light pole or similar utility structure located on the parcel to minimize and mitigate the visual impact of the antenna. Monopoles shall be fenced with a six-foot chain-link fence and the climbing pegs removed from the lower twenty feet of the monopole. In circumstances where the accessory building and fence may be viewable from any public road or public space, the Planning Commission may require alternative building and fencing materials such as masonry, wrought iron or chain link with colored vinyl coating depending on the location.

No monopole or lattice tower may be located within one thousand (1,000) feet of another monopole or lattice tower unless it is for the bona fide public services of a public transit district as defined in the Utah Code Annotated and as certified by said public transit district.

9. Co-location. Co-location is both permitted and encouraged if all setbacks, design and landscape requirements are met for each Telecommunications Facility. The application shall include any existing or approved, but unbuilt, Telecommunications Facility within the Telecommunications area that may meet the needs of the applicant. The documentation supplied shall evaluate the following factors:

(a) Structural capacity of the antenna towers;

(b) Geographic Telecommunications area requirements;

- (c) Mechanical or electrical incompatibilities;
- (d) Inability or ability to locate equipment on existing antenna towers; and
- (e) Any restriction or limitation of the Federal Communication Commission that would preclude the shared use of the antenna tower.

10. Classification/Installation: Low-power radio services facilities are characterized by the type or location of the antenna structure.

11. Temporary antenna for use during drive tests: Telecommunications companies wishing to perform Drive Tests shall submit notice to the Planning Department stating the location and the date of the proposed test. Antennas in use for a drive test shall not be left standing for a period of greater than two (2) days. Drive tests shall be limited to testing functions only and shall not be used for Telecommunication services to customers. Drive tests on city property require Planning and Zoning Official approval and execution of the City's test-drive agreement.

12. Amateur radio antennas must not exceed seventy-five (75) feet in height. Any antenna or antenna structure over eight (8) feet in height must be an engineered structure.

~~K. Residents with a building permit, including both new construction and remodeling, are allowed to have a personal RV on the construction site for up to six (6) months. Contractor are also allowed to park RVs on job site. Remodeling includes unlivable living conditions, such as fire, or mold abatement. (Ord. 1-2021, 1-20-2021)~~

#### **9-8-2: SPECIFIC STANDARDS OR REVIEW.**

Repeal Subsection K. Internal RV Living: ... and insert:

K. Temporary Construction Housing. A resident with an active building permit for new construction or remodeling may utilize or store a personal recreational vehicle or an alternative dwelling, including a single-wide trailer, unconventional dwelling, modular, or manufactured home or other structure intended for human occupancy, on the construction site during the temporary construction or remodel project. The city may impose reasonable conditions upon the permittee to achieve compliance with the conditional use standards of review in Section 9-8-1, the specific review criteria in Section 9-8-2 I. for moved buildings, and pre-inspection of the temporary construction housing.

### **| 9-8-3 PERMIT REVOCATION:**

A. The City Council may revoke the Conditional Use Permit of any person upon a finding that the holder of the permit has failed to comply with any of the conditions imposed at the time the permit was issued. The City Council shall send notice of the revocation to the holder of the permit and the holder of the permit shall immediately cease any use of the property which was based on the Conditional Use Permit.

B. If the City Council revokes any permit under this section, the holder of the permit shall have a right to appeal the revocation of the permit. The holder must file the appeal with the City Recorder within fifteen (15) days of the date of the notice that the City has revoked the Conditional Use Permit.

C. Upon receipt of the appeal, the City Council shall set a hearing on the appeal at its next regularly scheduled meeting which is more than fifteen (15) days after the time the City Recorder received the appeal. The City shall notify the permit holder of the time, date and place of the hearing at least fifteen (15) days before the hearing. At the hearing, the permit holder shall have the right to be heard on the revocation.

### **| 9-8-4 TIME LIMIT:**

Action authorized by a Conditional Use Permit must commence within one (1) year of the time the permit is issued. If the permit holder has not commenced action under the permit within this time, the permit shall expire and the holder must apply for a new permit. The Planning Commission may grant an extension for good cause shown. Only one extension may be granted and the maximum extension shall be six (6) months. In order to obtain an extension, the permit holder must apply for an extension in writing before the expiration of the original permit. The application must be submitted to the City Recorder and the application must describe the cause for requesting the extension.

### **| 9-8-5 NOTICE PROVISIONS:**

All property owners within a 300-foot radius of the conditional use applicant's property shall be mailed notice of any hearing to grant or deny the conditional use permit a minimum of 10 days prior to the date of the hearing. Completed signature review forms are to be supplied to the city by the applicant. The following uses are exempt from the notice provision requirement: Home Occupation, Small Neighborhood Commercial Occupations, Confinement and Keeping of Livestock, and Temporary Construction Housing.